

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY**

**Call to Order:** Chairman Roy Brown, on February 6, 2009 at 3:00 P.M., in Room 317-A Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Roy Brown, Chairman (R)  
Sen. Terry Murphy, Vice Chairman (R)  
Sen. Greg Hinkle (R)  
Sen. Cliff Larsen (D)  
Sen. Dave Lewis (R)  
Sen. Trudi Schmidt (D)

##### **Members Excused:**

Sen. Carol C. Juneau (D)

##### **Members Absent:** None.

**Staff Present:** Joan Linkenbach, Committee Secretary  
Lisa Mecklenberg Jackson, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 325, 1/31/2009; SB 326,  
1/31/2009

Executive Action: SB 44

00:00:49 Chairman Brown

**HEARING ON SB 325**

**Opening Statement by Sponsor:**

00:01:26 Sen. Gary Perry (R), SD 35, opened the hearing on SB 325, Clarifying provisions of the Medical Marijuana Act.

**Proponents' Testimony:**

00:05:24 Pam Bucy, Montana Police Protective Association (MPPA), and the Montana Association of Chiefs of Police (MACOP)  
00:05:56 Pat Melby, Montana Medical Association  
00:06:33 Craig Allen Campbell, Executive Director, Montana Narcotics Officers Association (MNOA); and Detective, Helena Police Department  
00:09:49 Tom Daubert, Government and Public Relations Consultant; Founder of Patients and Family United (PFU)  
00:14:23 Bruce Hanson

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:20:51 Chairman Brown  
00:21:18 Sen. Perry

**Closing by Sponsor:**

00:21:21 Sen. Perry

**HEARING ON SB 326**

**Opening Statement by Sponsor:**

00:21:46 Sen. Ron Erickson (D), SD 47, opened the hearing on SB 326, Revise medical marijuana laws.

[EXHIBIT \(phs28a01\)](#)

[EXHIBIT \(phs28a02\)](#)

00:22:02 Chairman Brown left the room.  
00:22:03 Vice Chairman Murphy assumed the chair.

**Proponents' Testimony:**

00:31:57 Eric Billings, Caregiver  
00:38:18 May Simmons, Patient and Caregiver  
00:39:01 Sen. Juneau now present  
00:43:34 Bob Meharg, Patient  
00:47:08 Anthony Swartz, Patient  
00:50:12 Cindy Gaffney, Private Citizen  
00:50:59 Allen Matt, Flathead Indian Tribal Member  
00:54:48 Mark Higgins, Patient  
01:00:14 Chris Lindsey, Criminal Defense Attorney, Patient  
01:03:38 Bruce Scharf, Patient  
01:06:32 Niki Zupanic, Public Policy Director, American Civil  
Liberties Union  
01:08:02 Tom Daubert, PFU

**EXHIBIT (phs28a03)**

01:17:42 Frank Gary  
01:19:43 Angela Goodhope  
01:20:00 Chairman Brown now present  
01:20:13 Sen. Juneau left the room.

**Opponents' Testimony:**

01:20:22 Bruce Hanson  
01:23:09 Sen. Juneau now present  
01:25:50 Craig Allen Campbell, MNOA  
01:31:15 Pam Bucy, MACOP, MPPA  
01:32:56 Pat Melby, MMA

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:34:26 Sen. Schmidt  
01:35:14 Mr. Daubert, PFU  
01:37:57 Sen. Schmidt  
01:38:16 Mr. Daubert, PFU  
01:39:55 Sen. Larsen  
01:41:29 Mr. Daubert, PFU  
01:43:11 Sen. Larsen  
01:44:03 Mr. Daubert, PFU  
01:46:46 Sen. Larsen  
01:47:27 Mr. Daubert, PFU  
01:47:56 Chairman Brown  
01:49:20 Sen. Erickson  
01:50:51 Sen. Juneau  
01:52:10 Sen. Erickson  
01:54:06 Sen. Schmidt

01:54:51 Ms. Simmons  
01:57:31 Sen. Schmidt  
01:57:42 Ms. Simmons  
01:58:31 Sen. Schmidt  
01:58:39 Ms. Simmons  
02:03:21 Sen. Juneau  
02:04:18 Mr. Daubert, PFU  
02:05:43 Sen. Juneau  
02:06:05 Mr. Daubert, PFU  
02:06:28 Sen. Juneau  
02:06:55 Sen. Schmidt  
02:07:23 Mr. Campbell, MOA  
02:08:31 Sen. Schmidt  
02:09:06 Mr. Campbell, MOA

**Closing by Sponsor:**

02:10:07 Sen. Erickson

**EXECUTIVE ACTION ON SB 44**

SB 44 was previously amended on February 2, 2009. SB004401.apm

02:12:34 Chairman Brown

02:16:30 **Motion:** Sen. Murphy moved that **SB 44 DO PASS.**  
**EXHIBIT** (phs28a04)

02:16:25 Chairman Brown informed committee that amendment  
(Exhibit 4) had previously been added to the bill and  
was now part of the bill being considered on this date.

02:17:03 **Motion:** Sen. Schmidt moved that **SB 44 BE AMENDED.**  
**EXHIBIT** (phs28a05)

02:18:23 **Motion:** Sen. Murphy corrected his original motion and  
moved that **SB 44 DO PASS AS AMENDED.**

**Discussion:**

02:18:28 Sen. Schmidt

02:18:45 **Motion/Vote:** Sen. Schmidt moved that **SB 44 BE AMENDED.**  
(Exhibit 5) Motion carried unanimously by voice vote.

02:19:07 **Motion:** Sen. Murphy moved that **SB 44 DO PASS AS**  
**AMENDED.**

**Discussion:**

02:19:20 Sen. Schmidt

02:23:11 Sen. Juneau

02:25:18 Sen. Larsen

02:26:58 Sen. Schmidt

02:27:17 Chairman Brown

02:30:36 **Vote:** Motion failed 2-5 by roll call vote with Sen.  
Brown and Sen. Larsen voting aye.

02:31:09 Without objection, Chairman Brown reversed the vote and  
tabled the bill.

**ADJOURNMENT**

Adjournment: 5:40 P.M.

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Joan Linkenbach, Secretary

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Additional Documents:

**EXHIBIT ([phs28aad.pdf](#))**